

AMENDMENTS TO THE CLAIMS

1. – 22. (Canceled)

23. (Currently Amended) Crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- $\alpha$ -aspartyl]-L-phenylalanine 1-methyl ester, which is prepared by a process comprising:

(1) subjecting N-L- $\alpha$ -aspartyl-L-phenylalanine 1-methyl ester and 3-(3-methoxy-4-hydroxyphenyl)propionaldehyde or a derivative thereof to reductive alkylation in a solvent to obtain N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- $\alpha$ -aspartyl]-L-phenylalanine 1-methyl ester; and

(2) crystallizing said N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- $\alpha$ -aspartyl]-L-phenylalanine 1-methyl ester,

wherein said reductive alkylation comprises catalytic hydrogenation, and

wherein said derivative thereof is selected from the group consisting of

3-(3-methoxy-4-hydroxyphenyl)-2-propenylaldehyde,

3-(3-methoxy-4-protected-hydroxyphenyl)propionaldehyde,

3-(3-methoxy-4-protected-hydroxyphenyl)-2-propenylaldehyde, and

acetals derived therefrom, and

wherein said crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- $\alpha$ -aspartyl]-L-phenylalanine 1-methyl ester exhibits X-ray diffraction peaks at 2 $\theta$  diffraction angles of 5.55°, 12.25°, 18.5°, 21.1° and 22.45° with CuK $\alpha$  rays.

24. (Previously Presented) Crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- $\alpha$ -aspartyl]-L-phenylalanine 1-methyl ester, which exhibits X-ray diffraction peaks at 2 $\theta$  diffraction angles of 5.55°, 12.25°, 18.5°, 21.1° and 22.45° with CuK $\alpha$  rays.

25. (Canceled)

26. (Previously Presented) The crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- $\alpha$ -aspartyl]-L-phenylalanine 1-methyl ester of Claim 23, which is obtained upon crystallization of N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- $\alpha$ -aspartyl]-L-phenylalanine 1-methyl ester from at least one solvent selected from the group consisting of alcohols, tetrahydrofuran, acetonitrile, toluene, ether, acetone, acetic acid, acetic acid esters, and mixed solvents which comprise at least one of these organic solvents and water.

27. (Previously Presented) A sweetening agent, a food and drink, a medicament, a confectionary, a hygienic article, or a sweetened food and drink for mammals comprising said crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- $\alpha$ -aspartyl]-L-phenylalanine 1-methyl ester of Claim 23.

28. (Previously Presented) A sweetener comprising said crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- $\alpha$ -aspartyl]-L-phenylalanine 1-methyl ester of Claim 23 and at least one adjunct selected from the group consisting of a carrier, a bulking agent and excipient, which is employed in sweetening materials.

29. – 39. (Canceled)

40. (New) The crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- $\alpha$ -aspartyl]-L-phenylalanine 1-methyl ester of Claim 23, wherein said crystallizing comprises a crystallization method selected from the group consisting of

- a. crystallization with a crystallization solvent;
- b. crystallization after extraction with water; and
- c. crystallization after separation of Aspartame.

SUPPORT FOR THE AMENDMENTS

Claims 1-22, 25, and 29-39 were previously canceled.

Claim 23 is presently amended.

Claim 40 is presently added.

The amendment of Claim 23 is supported by the specification as originally filed, for example at page 19, lines 2-6. New Claim 40 is supported by original Claim 2 and the specification as originally filed, for example at page 6, lines 5-19.

No new matter has been added by the present amendments.